

AMENDED IN ASSEMBLY MARCH 25, 2011

AMENDED IN ASSEMBLY MARCH 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 352

Introduced by Assembly Member Eng

February 10, 2011

An act to add Chapter 7.75 (commencing with Section 3550) to Division 2 of the Business and Professions Code, relating to radiologist assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 352, as amended, Eng. Radiologist assistants.

Existing law, the Medical Practice Act, provides for the licensure and regulation of physicians and surgeons by the Medical Board of California. Existing law also provides for the certification and regulation of radiologic technologists by the State Department of Public Health.

This bill would enact the Radiologist Assistant Practice Act, which would require the licensure and regulation of radiologist assistants by the Radiologist Assistant Committee of the Medical Board of California and would prescribe the services that may be performed by a radiologist assistant under the ~~direct~~ supervision of a ~~supervising radiologist~~ *qualified physician and surgeon*, as defined. The bill would establish the Radiologist Assistant Committee of the Medical Board of California for purposes of implementing the act, the 7 members of which would be appointed by the Governor. The bill would require a radiologist assistant to meet specified licensure and programmatic requirements, including completion of an approved program that is certified by the committee, as specified. The bill would require a radiologist assistant

to pay a licensure fee to be set by the committee and deposited into the Radiologist Assistant Fund which would be created by the bill in the State Treasury. The bill would make it a crime for a person to practice as a radiologist assistant or osteopathic radiologist assistant without a license or for a radiologist assistant or osteopathic radiologist assistant to practice outside the scope of his or her practice, as specified, thereby imposing a state-mandated local program. The bill would set forth disciplinary provisions and procedures.

This bill would require the committee to adopt regulations relating to the licensure ~~and certification~~ of radiologist assistants ~~and approval of supervising radiologists~~ and *certification of approved programs* by July 1, 2012, and would require the committee to commence licensure and certification on that date or as soon as possible thereafter.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 7.75 (commencing with Section 3550)
2 is added to Division 2 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 7.75. RADIOLOGIST ASSISTANTS

6
7 Article 1. General Provisions

8
9 3550. (a) In its concern with the growing shortage and
10 geographic maldistribution of medical imaging health care services
11 in California, the Legislature intends to establish in this chapter a
12 framework for development of a new category of health manpower
13 designated as the radiologist assistant.

14 (b) The purpose of this chapter is to encourage the more
15 effective utilization of the skills of radiologists by enabling them
16 to delegate health care tasks to qualified radiologist assistants
17 where this delegation is consistent with the patient's health and

1 welfare and with the laws and regulations relating to radiologist
2 assistants.

3 (c) It is also the intent of this chapter to license radiologist
4 assistants and radiologist practitioner assistants and to categorize
5 both groups under the title of radiologist assistant.

6 (d) This chapter is established to encourage the utilization of
7 radiologist assistants by radiologists and to provide that existing
8 legal constraints should not be an unnecessary hindrance to the
9 more effective use of medical imaging health care services. It is
10 also the purpose of this chapter to allow for innovative development
11 of programs for the education, training, and utilization of
12 radiologist assistants.

13 3550.1. This chapter shall be known and cited as the
14 Radiologist Assistant Practice Act.

15 3550.2. As used in this chapter:

16 (a) "Approved program" means a radiologist assistant program
17 or a radiologist practitioner assistant program for the education
18 and training of radiologist assistants that has been formally
19 approved by the committee for the licensure of radiologist
20 assistants.

21 (b) "Board" means the Medical Board of California.

22 (c) "Committee" means the Radiologist Assistant Committee
23 of the Medical Board of California.

24 ~~(d) "Direct supervision" means the supervising radiologist shall~~
25 ~~be physically present on the premises and available to the~~
26 ~~radiologist assistant when medical services are rendered.~~

27 (e)

28 (d) "Medical imaging" means any procedure intended for use
29 in the diagnosis or treatment of disease or other medical conditions,
30 and includes, but is not limited to, X-rays, nuclear medicine, and
31 other procedures, and that excludes echocardiography and
32 diagnostic sonography.

33 (f)

34 (e) "Program manager" means the staff manager of the diversion
35 program, as designated by the executive officer of the committee.
36 The program manager shall have background experience in dealing
37 with substance abuse issues.

38 (f) "*Qualified physician and surgeon*" means a radiologist or
39 another physician and surgeon supervising a radiologist assistant
40 within his or her specialty or usual and customary practice. A

1 *qualified physician and surgeon shall either hold, or be exempt*
2 *from holding, an operator supervisor permit pursuant to the*
3 *Radiologic Technology Act, as defined in Section 27 of the Health*
4 *and Safety Code, for ionizing radiation, fluoroscopy, or the use*
5 *and handling of nuclear medicine material, as appropriate for*
6 *procedures that are being supervised.*

7 (g) “Radiologist” means a physician and surgeon licensed by
8 the board or by the Osteopathic Medical Board of California and
9 certified by, or board-eligible for, the American Board of
10 Radiology.

11 (h) “Radiologist assistant” means a person who meets the
12 requirements of Section 3552.2 and the other requirements of this
13 chapter.

14 (i) “Radiology practitioner assistant” means a person who is
15 certified by the Certification Board for Radiology Practitioner
16 Assistants.

17 (j) “Regulations” means the rules and regulations as contained
18 in the California Code of Regulations.

19 ~~(k) “Supervising radiologist” means a radiologist who is~~
20 ~~approved by the committee as provided in this chapter and who~~
21 ~~supervises one or more radiologist assistants.~~

22 ~~(l) “Supervision” means that a certified radiologist oversees the~~

23 (k) “Supervision” means *the qualified physician and surgeon*
24 *is physically present on the premises and available to the*
25 *radiologist assistant when medical services are rendered and*
26 *oversees the activities of, and accepts responsibility for, the medical*
27 *services rendered by a the radiologist assistant.*

28 3550.3. (a) Notwithstanding any other provision of law, a
29 radiologist assistant licensed pursuant to Section 3552.2 may
30 perform those medical services as set forth by the regulations of
31 the board when the services are rendered under the ~~direct~~
32 ~~supervision of a radiologist~~ *qualified physician and surgeon* who
33 meets the requirements of subdivision (a) of Section 3550.4.

34 (b) (1) A radiologist assistant and his or her ~~supervising~~
35 ~~radiologist~~ *qualified physician and surgeon* shall establish written
36 guidelines for the adequate supervision of the radiologist assistant.
37 This requirement may be satisfied by the ~~supervising radiologist~~
38 *qualified physician and surgeon* adopting protocols for some or
39 all of the tasks performed by the radiologist assistant. Radiologist
40 assistants shall not interpret images, make diagnoses, or prescribe

1 medications or therapies. The protocols adopted pursuant to this
2 subdivision shall comply with the following requirements:

3 (A) A protocol governing procedures shall set forth the
4 information to be provided to the patient, the nature of the consent
5 to be obtained from the patient, the preparation and technique of
6 the procedure, supervision of radiologic technologists by the
7 radiologist assistant in the performance of medical imaging
8 procedures, and followup care.

9 (B) Protocols shall be developed by the ~~supervising radiologist~~
10 *qualified physician and surgeon* or adopted from, or referenced
11 to, texts or other sources.

12 (C) Protocols shall be signed and dated by the ~~supervising~~
13 *radiologist qualified physician and surgeon* and the radiologist
14 assistant.

15 (D) *Protocols shall be available at each practice site.*

16 (2) Notwithstanding any other provision of law, the board or
17 the committee may establish other alternative mechanisms for the
18 adequate supervision of the radiologist assistant.

19 (c) A radiologist assistant licensed under this chapter may
20 supervise a radiologic technologist in the performance of medical
21 imaging procedures using fluoroscopy and is exempted from the
22 provisions of Section 107110 of the Health and Safety Code and
23 Section 30463 of Title 17 of the California Code of Regulations.

24 3550.4. (a) Notwithstanding any other provision of law, a
25 radiologist assistant licensed by the committee shall be eligible
26 for employment or supervision by any ~~supervising radiologist who~~
27 *is approved by the committee qualified physician and surgeon, as*
28 *defined in subdivision (f) of Section 3550.2.* A ~~supervising~~
29 *radiologist qualified physician and surgeon* shall possess a current
30 and valid license to practice medicine and may not be on
31 disciplinary probation for improper use of a radiologist assistant
32 or subject to a disciplinary condition imposed by the board
33 prohibiting employment or supervision of a radiologist *assistant*.

34 (b) No ~~radiologist qualified physician and surgeon~~ shall
35 supervise more than two radiologist assistants at any one time.

36 3550.5. (a) Notwithstanding any other provision of law, a
37 radiologist assistant may perform those medical services permitted
38 pursuant to Section 3550.3 during any state of war emergency,
39 state of emergency, or local emergency, as defined in Section 8558
40 of the Government Code, and at the request of a responsible federal,

1 state, or local official or agency, or pursuant to the terms of a
2 mutual aid operation plan established and approved pursuant to
3 the California Emergency Services Act (Chapter 7 (commencing
4 with Section 8550) of Division 1 of Title 2 of the Government
5 Code), regardless of whether the radiologist assistant's ~~approved~~
6 ~~supervising radiologist~~ *qualified physician and surgeon* is available
7 to supervise the radiologist assistant, so long as a licensed physician
8 and surgeon is available to render the appropriate supervision.
9 "Appropriate supervision" shall not require the personal or
10 electronic availability of a ~~supervising~~ *qualified* physician and
11 surgeon if that availability is not possible or practical due to the
12 emergency. The local health officers and their designees, who are
13 licensed as physicians and surgeons, may act as ~~supervising~~
14 *qualified* physicians and surgeons during emergencies ~~without~~
15 ~~being subject to approval by the board.~~

16 (b) No responsible official or mutual aid operation plan shall
17 invoke this section except in the case of an emergency that
18 endangers the health of individuals. Under no circumstances shall
19 this section be invoked as the result of a labor dispute or other
20 dispute concerning collective bargaining.

21 3550.6. (a) A person licensed under this chapter who in good
22 faith renders emergency care at the scene of an emergency that
23 occurs outside both the place and course of that person's
24 employment shall not be liable for any civil damages as a result
25 of any acts or omissions by that person in rendering the emergency
26 care.

27 (b) This section shall not be construed to grant immunity from
28 civil damages to any person whose conduct in rendering emergency
29 care is grossly negligent.

30 (c) In addition to the immunity specified in subdivision (a), the
31 provisions of Article 17 (commencing with Section 2395) of
32 Chapter 5 shall apply to a person licensed under this chapter when
33 acting pursuant to delegated authority from ~~an approved~~
34 ~~supervising radiologist~~ *a qualified physician and surgeon*.

35 3550.7. No person other than one who has been licensed to
36 practice as a radiologist assistant shall practice as a radiologist
37 assistant or in a similar capacity to a radiologist or hold himself
38 or herself out as a "radiologist assistant."

Article 2. Administration

3551. There is established a Radiologist Assistant Committee of the Medical Board of California. The committee consists of seven members.

3551.1. Protection of the public shall be the highest priority for the Radiologist Assistant Committee of the Medical Board of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

3551.2. (a) The members of the committee shall include a member of the board, a physician and surgeon representative of a California medical school who is a radiologist, an educator participating in an approved program for the education of radiologist assistants, a radiologist who is not a member of the board, two radiologist assistants, one of whom is certified as a radiologist assistant by the American Registry of Radiologic Technologists and one of whom is certified by the Certification Board for Radiology Practitioner Assistants, and a public member.

(b) Each member of the committee shall hold office for a term of four years expiring on January 1, and shall serve until the appointment and qualification of a successor or until one year shall have elapsed since the expiration of the term for which the member was appointed, whichever first occurs. No member shall serve for more than two consecutive terms. Vacancies shall be filled by appointment for the unexpired terms.

(c) The Governor shall appoint each of the members of the committee.

3551.3. The committee shall elect annually a chairperson and a vice chairperson from among its members.

3551.4. Each member of the committee shall receive a per diem and expenses as provided in Section 103.

3551.5. The Governor may remove from office any member of the committee, as provided in Section 106.

3551.6. (a) The committee may convene from time to time as deemed necessary by the committee.

~~(b) Notice of each meeting of the committee shall be given at least two weeks in advance to those persons who and organizations that express an interest in receiving notification.~~

1 ~~(e)~~

2 (b) The committee shall receive permission of the director to
3 meet more than six times annually. The director shall approve
4 meetings that are necessary for the committee to fulfill its legal
5 responsibilities.

6 3551.7. It shall be the duty of the committee to do all of the
7 following:

8 (a) Establish standards and issue licenses for approved programs.

9 (b) Make recommendations to the board concerning the scope
10 of practice for radiologist assistants using the guidance of the
11 American Society of Radiologic Technologists, the American
12 Registry of Radiologic Technologists, the American College of
13 Radiology, and the Certification Board for Radiology Practitioner
14 Assistants.

15 ~~(c) Make recommendations to the board concerning the~~
16 ~~formulation of guidelines for the consideration of applications by~~
17 ~~radiologists to supervise radiologist assistants and approval of~~
18 ~~those applications.~~

19 ~~(d)~~

20 (c) Require the licensure of radiologist assistant applicants who
21 meet the requirements of this chapter.

22 ~~(e)~~

23 (d) Adopt regulations pursuant to Section 3552.1.

24 3551.8. The committee may adopt, amend, and repeal
25 regulations as may be necessary to enable it to carry into effect
26 the provisions of this chapter; provided, however, that the board
27 shall adopt, amend, and repeal such regulations as may be
28 necessary to enable it to implement the provisions of this chapter
29 under its jurisdiction. All regulations shall be in accordance with,
30 and not inconsistent with, the provisions of this chapter. All
31 regulations shall be adopted, amended, or repealed in accordance
32 with the provisions of Chapter 3.5 (commencing with Section
33 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

34 3551.9. Four members of the committee shall constitute a
35 quorum for transacting any business. The affirmative vote of a
36 majority of those present at a meeting of the committee shall be
37 required to carry any motion.

38 3552. Except as provided in Sections 159.5 and 2020, the
39 committee shall employ within the limits of the Radiologist
40 Assistant Fund all personnel necessary to carry out the provisions

1 of this chapter, including an executive officer who shall be exempt
2 from civil service. The board and committee shall make all
3 necessary expenditures to carry out the provisions of this chapter
4 from the fund established by Section 3553. The committee may
5 accept contributions to effect the purposes of this chapter.

6
7 Article 3. Licensure and Certification
8

9 3552.1. (a) The committee shall adopt regulations consistent
10 with Sections 3551.7 and 3552.2 for the consideration of
11 applications for licensure as a radiologist assistant.

12 (b) The committee shall adopt regulations consistent with
13 Sections 3551.7 and 3552.3 for the certification of approved
14 programs.

15 ~~(c) The committee shall adopt regulations consistent with~~
16 ~~Sections 3550.4 and 3551.7 for the approval of supervising~~
17 ~~radiologists.~~

18 ~~(d)~~
19 (c) The committee shall adopt the regulations described in this
20 section no later than July 1, 2012.

21 3552.2. Commencing July 1, 2012, or as soon as possible
22 thereafter, the committee shall issue under the name of the board
23 a license to each radiologist assistant applicant who meets all of
24 the following requirements:

25 (a) Provides evidence of successful completion of an approved
26 program.

27 (b) Is certified as a radiologist assistant by the American
28 Registry of Radiologic Technologists or as a radiology practitioner
29 assistant by the Certification Board for Radiology Practitioner
30 Assistants.

31 (c) Is certified by the State Department of Public Health as a
32 diagnostic radiologic technologist and holds a radiologic
33 technologist fluoroscopy permit.

34 (d) Is not subject to denial of licensure under Division 1.5
35 (commencing with Section 475) or Section 3554.

36 (e) Pays all fees required under Section 3553.1.

37 3552.3. Commencing July 1, 2012, or as soon as possible
38 thereafter, the committee shall approve training programs for
39 radiologist assistants housed in academic institutions accredited
40 by a regional accrediting organization. The committee may

1 examine and issue certificates to approved programs that satisfy
2 the requirements of the regulations described in Section 3552.1.

3 ~~3552.3.5. Commencing July 1, 2012, or as soon as possible~~
4 ~~thereafter, the committee shall issue approvals to supervising~~
5 ~~radiologists meeting the requirements of this chapter and the~~
6 ~~regulations promulgated hereunder.~~

7 3552.4. (a) Every radiologist assistant applicant who has
8 complied with subdivision (a) of Section 3552.2 and has filed an
9 application with the committee may, between the date of receipt
10 of notice that the application is on file and the date of receipt of
11 his or her license, practice as a radiologist assistant on interim
12 approval under the supervision of a ~~supervising radiologist~~
13 *qualified physician and surgeon*. Prior to practicing under interim
14 approval, applicants shall notify the committee in writing of any
15 and all ~~supervising radiologists~~ *qualified physicians and surgeons*
16 under whom they will be performing services. If the applicant fails
17 to take the next succeeding certification examination, fails to pass
18 the examination, or fails to receive a license, all privileges under
19 this section shall automatically cease upon written notification
20 sent to the applicant by the committee.

21 (b) The applicant shall provide evidence satisfactory to the
22 committee that an application has been filed and accepted for the
23 examination and that the organization certifying radiologist
24 assistants has been requested to verify the applicant's certification
25 status to the committee in order for the applicant to maintain
26 interim approval. The applicant shall be deemed to have failed the
27 examination unless the applicant provides evidence to the
28 committee within 30 days after scores have been released that he
29 or she has passed the examination.

30 3552.5. (a) The committee may issue under the name of the
31 board a probationary license to a radiologist assistant applicant
32 subject to terms and conditions, including, but not limited to, any
33 of the following conditions of probation:

34 (1) Practice is limited to a supervised, structured environment
35 where the applicant's activities are supervised by another
36 radiologist assistant.

37 (2) Continuing medical or psychiatric treatment.

38 (3) Ongoing participation in a specified rehabilitation program.

39 (4) Enrollment in and successful completion of a clinical training
40 program.

1 (5) Abstention from the use of alcohol or drugs.

2 (6) Restrictions against engaging in certain types of medical
3 services.

4 (7) Compliance with all provisions of this chapter.

5 (b) The committee and the board may modify or terminate the
6 terms and conditions imposed on the probationary license upon
7 receipt of a petition from the licensee.

8 (c) Enforcement and monitoring of the probationary conditions
9 shall be under the jurisdiction of the committee and the board.

10 (d) These proceedings shall be conducted in accordance with
11 Chapter 5 (commencing with Section 11500) of Part 1 of Division
12 3 of Title 2 of the Government Code.

13 3552.6. The committee shall keep current, ~~two separate~~
14 ~~registers, one for approved supervising radiologists and one for a~~
15 ~~register of licensed radiologist assistants. These registers~~ *This*
16 *register* shall show the name of each licensee; ~~and his or her last~~
17 ~~known address of record, and the date of his or her approved~~
18 ~~supervising radiologist and each approval or licensure,~~ including
19 those persons practicing under interim approval pursuant to Section
20 3552.4. Any interested person may obtain a copy of ~~a~~ *the* register
21 in accordance with the Information Practices Act of 1977 (Chapter
22 1 (commencing with Section 1798) of Title 1.8 of Part 4 of
23 Division 3 of the Civil Code) upon application to the committee
24 together with a sum as may be fixed by the committee, which
25 amount shall not exceed the cost of the register so furnished.

26
27 Article 4. Revenue
28

29 3553. Within 10 days after the beginning of each calendar
30 month, the board shall report to the Controller the amount and
31 source of all collections made under this chapter and at the same
32 time pay all those sums into the State Treasury, where they shall
33 be credited to the Radiologist Assistant Fund, which fund is hereby
34 created. All money in the fund shall, upon appropriation by the
35 Legislature, be used to carry out the purpose of this chapter.

36 3553.1. Fees to be paid by radiologist assistants ~~and supervising~~
37 ~~radiologists~~ for licensure, ~~approval,~~ and renewal shall be set by
38 the committee in an amount sufficient to cover the reasonable and
39 necessary costs of implementing and administering this chapter.

1 3553.2. The committee shall report to the appropriate policy
2 and fiscal committees of each house of the Legislature whenever
3 the board approves a fee increase pursuant to Section 3553.1.

4 ~~3553.3. (a) An approval to supervise radiologist assistants~~
5 ~~shall expire at 12 midnight on the last day of the birth month of~~
6 ~~the radiologist assistant during the second year of a two-year term~~
7 ~~if not renewed.~~

8 ~~(b) The board shall establish a cyclical renewal program,~~
9 ~~including, but not limited to, the establishment of a system of~~
10 ~~staggered expiration dates for approvals and a pro rata formula for~~
11 ~~the payment of renewal fees by supervising radiologists.~~

12 ~~(c) To renew an unexpired approval, the supervising radiologist,~~
13 ~~on or before the date of expiration, shall apply for renewal on a~~
14 ~~form prescribed by the board and pay the prescribed renewal fee.~~

15 3553.4. (a) All radiologist assistant licenses shall expire at 12
16 midnight of the last day of the birth month of the licensee during
17 the second year of a two-year term if not renewed.

18 (b) The committee shall establish by regulation procedures for
19 the administration of a birth date renewal program, including, but
20 not limited to, the establishment of a system of staggered license
21 expiration dates.

22 (c) To renew an unexpired license, the licensee shall, on or
23 before the date of expiration of the license, apply for renewal on
24 a form provided by the committee, accompanied by the prescribed
25 renewal fee.

26 3553.5. The committee shall require a licensee to complete
27 continuing education, as deemed acceptable by the committee, as
28 a condition of license renewal under Section 3553.4. The
29 committee shall not require more than 50 hours of continuing
30 education every two years.

31 3553.6. (a) A suspended license is subject to expiration and
32 shall be renewed as provided in this chapter, but that renewal does
33 not entitle the holder of the license, while it remains suspended
34 and until it is reinstated, to practice or engage in the activity to
35 which the license relates, or engage in any other activity or conduct
36 in violation of the order or judgment by which the license was
37 suspended.

38 (b) A revoked license is subject to expiration as provided in this
39 chapter. If the license is reinstated after expiration, the licensee,
40 as a condition to reinstatement, shall pay a reinstatement fee in an

1 amount equal to the renewal fee in effect on the last preceding
2 regular renewal date before the date on which it is reinstated.

3
4 Article 5. Denial, Suspension, and Revocation
5

6 3554. (a) The committee may deny, issue with terms and
7 conditions, suspend or revoke, or impose probationary conditions
8 upon a radiologist assistant license after a hearing as required in
9 Section 3554.1 for unprofessional conduct that includes, but is not
10 limited to, a violation of this chapter, a violation of the Radiologic
11 Technology Act, as defined in Section 27 of the Health and Safety
12 Code, a violation of the applicable regulations adopted by the
13 committee or the board, or a breach of an ethics rule established
14 by a recognized national certification organization of radiologist
15 assistants.

16 (b) The committee may deny, approve with terms and
17 conditions, suspend or revoke, or impose probationary conditions
18 upon an approved program after a hearing as required in Section
19 3554.1 for a violation of this chapter or the regulations adopted
20 pursuant to this chapter.

21 ~~(c) The committee may deny, approve with terms and conditions,~~
22 ~~suspend or revoke, or impose probationary conditions upon an~~
23 ~~approval of a supervising radiologist to supervise a radiologist~~
24 ~~assistant, after a hearing as required in Section 3554.1, for~~
25 ~~unprofessional conduct, which includes, but is not limited to, a~~
26 ~~violation of this chapter, a violation of the Medical Practice Act,~~
27 ~~or a violation of the regulations adopted by the committee or the~~
28 ~~board.~~

29 ~~(d) Notwithstanding subdivision (c), the board, in conjunction~~
30 ~~with an action it has commenced against a radiologist, may order~~
31 ~~the suspension or revocation of, or the imposition of probationary~~
32 ~~conditions upon, an approval of a supervising radiologist to~~
33 ~~supervise a radiologist assistant, after a hearing as required in~~
34 ~~Section 3554.1, for unprofessional conduct, which includes, but~~
35 ~~is not limited to, a violation of this chapter, a violation of the~~
36 ~~Medical Practice Act, or a violation of the regulations adopted by~~
37 ~~the committee or the board.~~

38 (e)

39 (c) The committee may deny, approve with terms and conditions,
40 suspend or revoke, or impose probationary conditions upon, a

1 radiologist assistant license, after a hearing as required in Section
2 3554.1, for unprofessional conduct that includes, except for good
3 cause, the knowing failure of a licensee to protect patients by
4 failing to follow infection control guidelines of the committee,
5 thereby risking transmission of bloodborne infectious diseases
6 from licensee to patient, from patient to patient, and from patient
7 to licensee. In administering this subdivision, the committee shall
8 consider referencing the standards, regulations, and guidelines of
9 the State Department of Public Health developed pursuant to
10 Section 1250.11 of the Health and Safety Code and the standards,
11 regulations, and guidelines pursuant to the California Occupational
12 Safety and Health Act of 1973 (Part 1 (commencing with Section
13 6300) of Division 5 of the Labor Code) for preventing the
14 transmission of HIV, hepatitis B, and other bloodborne pathogens
15 in health care settings. As necessary, the committee shall consult
16 with the board to encourage appropriate consistency in the
17 implementation of this subdivision. The committee shall seek to
18 ensure that licensees are informed of the responsibility of licensees
19 and others to follow infection control guidelines, and of the most
20 recent scientifically recognized safeguards for minimizing the risk
21 of transmission of bloodborne infectious diseases.

22 (f)

23 (d) The committee may order the licensee to pay the costs of
24 monitoring the probationary conditions imposed on the license.

25 3554.1. Any proceedings involving the denial, suspension, or
26 revocation of the application for licensure or the license of a
27 radiologist assistant, ~~the application for approval or the approval~~
28 ~~of a supervising radiologist, or the application for approval or the~~
29 approval of an approved program under this chapter shall be
30 conducted in accordance with Chapter 5 (commencing with Section
31 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

32 3554.2. The committee may hear any matters filed pursuant to
33 subdivisions (a) and (b) of Section 3554, or may assign any such
34 matter to a hearing officer. The board may hear any matters filed
35 pursuant to subdivision (c) of Section 3554, or may assign any
36 such matter to a hearing officer. If a matter is heard by the
37 committee or the board, the hearing officer who presided at the
38 hearing shall be present during the committee's or board's
39 consideration of the case, and, if requested, assist and advise the
40 committee or the board.

1 3554.3. (a) A person whose license~~—or approval~~ has been
2 revoked or suspended, or who has been placed on probation, may
3 petition the committee for reinstatement or modification of penalty,
4 including modification or termination of probation, after a period
5 of not less than the following minimum periods has elapsed from
6 the effective date of the decision ordering that disciplinary action:

7 (1) At least three years for reinstatement of a license~~—or approval~~
8 revoked for unprofessional conduct, except that the committee
9 may, for good cause shown, specify in a revocation order that a
10 petition for reinstatement may be filed after two years.

11 (2) At least two years for early termination of probation of three
12 years or more.

13 (3) At least one year for modification of a condition,
14 reinstatement of a license~~—or approval~~ revoked for mental or
15 physical illness, or termination of probation of less than three years.

16 (b) The petition shall state any facts as may be required by the
17 board. The petition shall be accompanied by at least two verified
18 recommendations from radiologists licensed either by the board
19 or the Osteopathic Medical Board of California who have personal
20 knowledge of the activities of the petitioner since the disciplinary
21 penalty was imposed.

22 (c) The petition may be heard by the committee. The committee
23 may assign the petition to an administrative law judge designated
24 in Section 11371 of the Government Code. After a hearing on the
25 petition, the administrative law judge shall provide a proposed
26 decision to the committee that shall be acted upon in accordance
27 with the Administrative Procedure Act.

28 (d) The committee or the administrative law judge hearing the
29 petition may consider all activities of the petitioner since the
30 disciplinary action was taken, the offense for which the petitioner
31 was disciplined, the petitioner's activities during the time the
32 license~~—or approval~~ was in good standing, and the petitioner's
33 rehabilitative efforts, general reputation for truth, and professional
34 ability. The hearing may be continued as the committee or
35 administrative law judge finds necessary.

36 (e) The committee or administrative law judge, when hearing
37 a petition for reinstating a license~~—or approval~~ or modifying a
38 penalty, may recommend the imposition of any terms and
39 conditions deemed necessary.

(f) No petition shall be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. No petition shall be considered while there is an accusation or petition to revoke probation pending against the person. The committee may deny, without a hearing or argument, any petition filed pursuant to this section within a period of two years from the effective date of the prior decision following a hearing under this section.

(g) Nothing in this section shall be deemed to alter Sections 822 and 823.

3554.4. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or of any offense that is substantially related to the qualifications, functions, or duties of the business or profession to which the license was issued is deemed to be a conviction within the meaning of this chapter. The committee may order the license suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

Article 6. Penalties

3555. Any person who violates Section 3550.3 or 3550.7 shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both.

3555.5. Whenever any person has engaged in any act or practice that constitutes an offense against this chapter, the superior court of any county, on application of the board, may issue an injunction or other appropriate order restraining the conduct. Proceedings under this section shall be governed by Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure. The board or the committee may commence action in the superior court under the provisions of this section.

Article 7. Osteopathic Radiologist Assistants

3557. (a) Notwithstanding any other provision of law, ~~radiologists~~ *qualified physicians and surgeons* licensed by the Osteopathic Medical Board of California may use or employ radiologist assistants provided (1) each radiologist assistant so used or employed is a graduate of an approved program and is licensed by the committee, and (2) the scope of practice of the radiologist assistant is the same as that which is approved by the Medical Board of California or the committee for radiologist assistants in the same or similar specialty.

(b) Any person who violates subdivision (a) shall be guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CORRECTIONS:

Text—Pages 5 and 11.